United Nations

A/63/770

General Assembly

Distr.: General
18 March 2009

Original: English

Sixty-third session
Agenda item 49
Sustainable development

Letter dated 13 March 2009 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

I have the honour to convey to you the attached information entitled "Uzbekistan supports the key role of the United Nations in establishing norms of international law on the just and fair distribution of water resources of transboundary rivers" (see annex).

I would appreciate if you could circulate the present letter and its annex as a document of the sixty-third session of the General Assembly, under agenda item 49.

(*Signed*) Murad **Askarov**
Permanent Representative of the Republic of Uzbekistan

09-27180 (E) 260309

Annex to the letter dated 13 March 2009 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

Uzbekistan supports the key role of the United Nations in establishing norms of international law on the just and fair distribution of water resources of transboundary rivers

The Ministerial Meeting of the Fifth World Water Forum entitled "Water Adaptation Management Strategies for Global Changes including Climate Change/ Variability" will be held under the auspices of the United Nations and other international organizations from 20 to 22 March 2009 in Istanbul.

The main aim of the Fifth World Water Forum, "Bridging Divides for Water", is to implement the two following objectives: "Ensuring water for sustainable development" and "Ensuring development mechanisms". More than 100 sessions are planned to be held. The sessions will be dedicated to the following six topics: global change and risks management; advancing human development and the Millennium Development Goals; managing and protecting water resources; governance and management; finance; education, knowledge and capacity development.

The Ministerial Declaration, the final document of the Ministerial Meeting, will be adopted based on the conclusions of the meeting.

In order to achieve success in this monumental undertaking, everyone involved in these problems must coordinate and thoroughly consider the policy of ecology education, aimed at strengthening public understanding of the value of water resources as the basis for life, which should never become the source of problems in international and inter-State relations in the broader sense.

By 2030, 47 per cent of the world's population will face the threat of water shortage. Between 75 million and 250 million people in Africa will face such a situation by 2020 due to the climate change. Shortage of water in desert regions will cause intense population migration. It is expected that this will affect between 240 million and 700 million people. Many countries have already reached the limits of their water resources.[1]

For the past half century, water consumption has tripled, and irrigated territories for the same period have doubled. This is mainly connected to demographic growth. An increase in population causes an increase in the demand for agricultural products and consequently brings an increased demand for water. Agriculture is the biggest consumer of water: 70 per cent of the total volume of water utilization. In 2050, demand for water will increase by 70 to 90 per cent if agriculture water utilization systems are not modernized.[1]

Circumstances are in fact ripe for cooperation. There are 263 international basins that cross the political boundaries of two or more countries. These basins, in which approximately 40 per cent of the world's population lives, cover nearly one half of the earth's surface area and account for an estimated 60 per cent of global

---

[1] http://www.un.org/russian/news/fullstorynews.asp?newsID=11339.

freshwater flow. A total of 145 nations include territory within international basins, and 21 countries lie entirely within international basins.[2]

Rational and efficient utilization of water resources in Central Asia have for centuries been very important factors in the regular livelihood and sustainable development of all countries and peoples in the region, and will remain so for the future.

The water basins of the Amudaria and Syrdaria rivers are united and are the unique organisms that ensure the water supply and prosperity of all Central Asian States. While determining approaches to solving the problems related to the utilization of water resources, it is necessary to take into account that, in the modern world, water is a vitally important substance which cannot be substituted and the use of which requires diligence. It is unacceptable to make the water resources of the region tools for influence and geopolitical games.

During the past several years, the problem of rationalizing the utilization of water resources has become most acute owing to plans to construct giant hydroelectric power stations in the upstream waters of the Amudaria and Syrdaria rivers, which are almost the only source of water for the whole of Central Asia.

Any interference in the water resources supply and its ecosystem as a result of the construction of new hydroelectric power stations and water reservoirs could cause a number of ecological and socio-economic problems that will far exceed the short-term benefits from those projects.

According to the data of the World Wildlife Fund, the construction of dams has already forced more than 80 million people of the planet to migrate. The loss of species in freshwater ecosystems is occurring faster than ever.

In this regard, in the event of a change in the current state of the transboundary water resources in the region, more than 50 million people from Central Asian countries will face an even more massive ecological catastrophe. Construction of giant hydroelectric power stations, which affect the historically established regime of water use in the region and influence the balance of water resources, will inevitably result in the further deterioration of problems related to supplying the population and agricultural land of the region with drinking water and irrigation water, respectively. It is obvious that due to the interdependence of the region's economies, the consequences of these steps will affect all States of the region.

In his statements before the General Assembly Islam Karimov, President of the Republic of Uzbekistan, has repeatedly noted that the Aral Sea crisis has become one of the largest ecological and humanitarian catastrophes in the history of mankind. Many millions of people living in the basin of the Sea have been affected by this crisis.

Indeed, the Aral Sea catastrophe is the result of violent human activity against nature and is visual proof that interference in the ecological balance in the region should not be tolerated.

Initiated by the States of the region, the international conference on the theme "Problems of Aral: impact on the gene pool, flora and fauna, and international

[2] Meredith A. Giordano and Aaron T. Wolf, "Sharing waters: Post-Rio international transboundary water management", Natural Resources Forum Vol. 27: No. 2.

cooperation for mitigating consequences", was held in Tashkent in March 2008. Representatives of more than 90 international organizations, agencies of the United Nations, the World Health Organization, the World Bank, the Asian Development Bank, the Islamic Development Bank, the biggest State financial institutions of Japan, Germany, China and the Arab States, and leading research centres participated at the Conference.

The Tashkent Declaration, adopted on the basis of the conclusions of the Conference, calls upon all parties involved to restrain from artificially reducing the volume and mode of the natural watercourse of the transboundary rivers flowing into the Aral Sea, which could result in further deterioration of the ecological situation in the Aral Sea basin, and the degradation of the health and living conditions of millions of people in the region.

United Nations Secretary-General Ban Ki-moon has supported the Tashkent Declaration and other documents of the Conference, thus recognizing that comprehensive assistance in implementation of the decisions adopted at the Tashkent Conference is one of the important objectives of all countries of the world.

At the same time, it should be noted that not all of the decisions adopted and supported by the United Nations are implemented in practice.

Regretfully, the necessary level of coordination among countries of Central Asia on approaches to settling this enormous problem, which directly relates to mitigation of the Aral Sea tragedy, does not currently exist.

Under the current political and socio-economic conditions, one of the most reasonable ways to ensure the well-being of the region is to implement principles concerning the protection of the ecosystem and the mutually coordinated management of water resources in Central Asia.

Therefore, the interests of all States, as well as the environmental and ecological validity of projects, should be guaranteed during the entire process of project construction. New hydroelectric power stations should not in any way alter the necessary balance and the regime of utilization of water flow from the transboundary rivers by all States located in the basins of the Amudaria and Syrdaria rivers. These considerations should be imperative and must be thoroughly taken into account when taking decisions on utilization of the water flow of transboundary rivers, especially when considering construction of giant hydroelectric power stations.

Strict observance of international norms of law, which regulate protection and utilization of transboundary watercourses, is of particular significance. The United Nations conventions on these issues, dated 25 February 1991, 17 March 1992 and 21 May 1997, demand that all States "ensure that transboundary waters are used in a reasonable and equitable way, taking into particular account their transboundary character, in the case of activities which cause or are likely to cause transboundary impact".

Agreement among the Republic of Kazakhstan, the Republic of Kyrgyzstan, the Republic of Uzbekistan, the Republic of Tajikistan and Turkmenistan on cooperation in the field of integrated water management and protection (Alma-Ata, 18 February 1992) requires every party to avoid any action on their territory that

could damage the interests of others and cause them harm, as well as bring about a change of agreed water use volumes.

As a whole, the analysis of the legal system of the Central Asian countries shows that the national legislation in every State provides for the priority of international law over national law on any dispute in the field of transboundary rivers waterflow management.

In this context, the position of Uzbekistan — that the projects to construct new giant hydroelectric power stations in the upstream flow of the Syrdaria and Amudaria rivers, which will further deteriorate the condition of the Aral Sea and adjacent areas, should pass a mandatory examination by independent international experts — fully corresponds to the international norms contained in respective United Nations Conventions and the multilateral and bilateral agreements of the Central Asian countries.

Only after the international independent examination, which must answer two questions — how construction of such hydroelectric power stations would affect the ecology in the region and whether the normal flow of the rivers would be unaltered — can the issue of joint construction of new hydroelectric power stations be discussed.

Experts point the attention of the United Nations to the potential threats related to the construction of new hydroelectric power stations in the upstream waters of the Amudaria and Syrdaria rivers due to the high seismicity in the region, which has been increasing in recent years.

International organizations, donors, the United Nations, the World Bank and the Asian Development Bank must bear the responsibility of ensuring that proper multilateral cooperation on the rational utilization of water resources in Central Asia is the most important factor in the sustainable development of the region, its stability and prosperity.

Taking into account the significance of providing viable solutions to water problems for the sake of existing and future generations, all concerned parties must strictly implement the universally recognized norms related to the utilization of transboundary rivers as well as multilateral agreements signed by Central Asian countries. These agreements are the base for bilateral and multilateral rules on the rational use of hydroelectric power stations in the basins of the two major rivers, the Syrdaria and Amudaria.

United Nations research papers state that the signing of more than 3,600 agreements and treaties is an achievement in itself, but a closer look at them still reveals significant weaknesses. What is needed are workable monitoring provisions, enforcement mechanisms, and specific water allocation provisions that address variations in water flow and changing needs.[3]

There is a consensus among United Nations experts that international watercourse agreements need to be more concrete, setting out measures to enforce treaties made and incorporating detailed conflict resolution mechanisms in case disputes erupt. Better cooperation also entails identifying clear yet flexible water allocations and water quality standards, taking into account hydrological events,

[3] http://www.un.org/waterforlifedecade/pdf/waterborders.pdf.

changing basin dynamics and societal values. Finally, international watercourse development may require some compensation mechanisms, such as payments for transfer of water rights.[3]

The United Nations concept entitled "International Year of Fresh Water 2003" describes water supply as one of the major and fundamental human rights. In November 2002, the United Nations Committee on Economic, Social and Cultural Rights affirmed that access to adequate amounts of clean water for personal and domestic uses was a fundamental human right of all people. In its General Comment No. 15 on the implementation of articles 11 and 12 of the 1966 International Covenant on Economic, Social and Cultural Rights, the Committee noted that "the human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights." While the General Comment is not legally binding on the 146 States that have ratified the International Covenant, it aims to assist and promote the implementation of the Covenant and does carry the weight and influence of "soft law".[4] The decision elaborates that the adequacy of water should not be interpreted narrowly, by mere reference to the volume of water and technologies. Water should be treated as a social and cultural good, and not primarily as an economic commodity.[4]

The leading role of the United Nations, in terms not only of strengthening understanding on the issues regarding water utilization in the region but also in the broader context of ensuring sustainable development of the Central and South Asian regions and other parts of the world as a whole, should be highlighted.

There is one positive example of reaching a broad consensus on the mechanisms and principles of use of the water resources of the transboundary rivers of Central and South Asia, which was achieved at the international forum held in December 2008 in Paris. Participants at the Paris Conference on Afghanistan, where the Special Representative of the Secretary-General in Afghanistan, Kai Eide, took part, have discussed the issues of sustainable development in Afghanistan and the regions of Central and South Asia as a whole. In the Final Declaration of the Informal Ministerial Meeting on Afghanistan, dated 14 December 2008, the High Representative for European Security and Defence Policy, the European Union Commissioner for External Relations, the Ministers for Foreign Affairs of India, Pakistan, the United States of America, the Russian Federation, Germany, the United Kingdom of Great Britain and Northern Ireland, as well as Uzbekistan, Tajikistan, Turkmenistan and Afghanistan, agreed that better water management was necessary in order to stimulate economic growth and agricultural production and that the issue must be addressed fairly by all States of Central Asia on the basis of existing international agreements and norms of international law.[5]

---

[4] http://www.un.org/events/water/TheRighttoWater.pdf.

[5] http://www.ambafrance-uk.org/Afghanistan-Informal-ministerial.html.